THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27366 of 2005

28.12.2005

Between:

Nallagorla Tirupathi Swamy, S/o.Subbarao

… Petitioner

AND

The Sarpanch, Gram Panchayat, Vallur,

Tangutur Mandal, Prakasam District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27366 of 2005

ORDER:

The petitioner is resident of Vallur village of Tangutur Mandal in Prakasam District. He obtained necessary permission from Bharath Sanchar Nigam Limited (BSNL) for installing STD booth at Vallur and set up the same in government land admeasuring an extent of 15 Sq.yards. According to the petitioner, the telephone booth is situated at the extreme end of road margin on National Highway (NH)-5. It is further alleged that though the land does not belong to Vallur Gram Panchayat, on 19.12.2005, the sarpanch of the Gram Panchayat and the officials of the third respondent attempted to dismantle the structure without due process of law. Therefore, he seeks a writ of

Mandamus declaring the action of the third respondents in attempting to demolish the petitioner's telephone booth as illegal and arbitrary.

The matter was listed before this Court on 23.12.2005 and the same was adjourned to enable the learned Assistant Government Pleader for Panchayat Raj and learned Standing Counsel for Gram Panchayats to get instructions in the matter. After getting instructions in the matter, they submit that the Special Deputy Collector (Land Acquisition), NH-5, instructed the third respondent to take immediate necessary steps for removal of the telephone booth, which is causing obstruction to public movement and creating unhygienic conditions, as the petitioner is running a tea stall and tiffin center encroaching upon NH-5. It is also stated that the Gram Panchayat has passed a resolution to take immediate steps for removal of encroachments. It is further submitted that the telephone booth is not removed. Therefore, instead of keeping the matter pending, the writ petition is disposed of giving liberty to the first respondent to issue notice under Section 98 of A.P. Panchayat Raj Act, 1994 before taking necessary steps for removal of the telephone booth set up by the petitioner.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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December 28, 2005. (**V.V.S. RAO,J**)

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